

**EXECUTIVE ORDER NO. 09- 06**

WHEREAS, the widespread impact of the collapse of the financial market and a global economic recession have caused constantly decreasing revenue projections by the Council on Revenues that have forced the State of Hawaii to make drastic revenue and expenditure adjustments to close major budget shortfalls of unprecedented proportions; and

WHEREAS, pursuant to Act 85, Session Laws of Hawaii 2009, the salaries of the governor, lieutenant governor, and the department heads or executive officers and the deputies or assistants to the department heads or executive officers of: the departments of accounting and general services; agriculture; attorney general; budget and finance; business, economic development and tourism; commerce and consumer affairs; defense; Hawaiian home lands; health; human resources development; human services; labor and industrial relations; land and natural resources; public safety; taxation; and transportation; were reduced by five percent from what their salaries were as of June 30, 2009; and

WHEREAS, in addition to the five percent pay reduction, Executive Order No. 09-04 imposes a two days per month furlough for the period August 1, 2009 through June 30, 2011; and

WHEREAS, a memorandum of agreement has been reached between the State, counties, Hawaii Health Systems Corporation, the Judiciary, and the Hawaii Government Employees Association, AFSCME, Local 152, AFL-CIO, allowing the imposition of up to eighteen (18) days of furlough for the current fiscal year and up to twenty-four (24) days of furlough for the 2010-2011 fiscal year; and

WHEREAS, in light of the agreement reached between the State, counties, Hawaii Health Systems Corporation, the Judiciary, and the Hawaii Government Employees

Association, AFSCME, Local 152, AFL-CIO, it is appropriate to adjust the furlough of the Executive Branch officials identified in Act 85, Session Laws of Hawaii 2009;

NOW, THEREFORE, I Linda Lingle, Governor of Hawaii, pursuant to my executive authority under Articles V and VII of the Constitution of the State of Hawaii, the provisions of Chapters 37 and 89C, Hawaii Revised Statutes, and all other applicable authority, do hereby cancel any furlough imposed by Executive Order No. 09-04 for the period of November 1, 2009 through June 30, 2010 and order the furlough of the Executive Branch officials identified in Act 85, Session Laws of Hawaii 2009 (the governor, lieutenant governor, and the department heads or executive officers and the deputies or assistants to the department heads or executive officers of: the departments of accounting and general services; agriculture; attorney general; budget and finance; business, economic development and tourism; commerce and consumer affairs; defense; Hawaiian home lands; health; human resources development; human services; labor and industrial relations; land and natural resources; public safety; taxation; and transportation) of one day per month, commencing July 1, 2010 through June 30, 2011, in accordance with the following terms and conditions:

1. "Furlough" means the placement of an employee temporarily and involuntarily in a non-pay and non-duty status by the Employer because of lack of work or funds, or other non-disciplinary reasons.
2. Furloughed employees' pay will be automatically adjusted each pay period to account for the directed furlough day(s), with the pay of furloughed employees adjusted by the equivalent of one-half day (i.e., four (4) hours) per pay period.
3. Furloughed employees will have flexibility to designate their furlough days and will be free to accumulate furlough days and take them in combined periods, subject to my approval.

IT IS FURTHER ORDERED that the furloughs ordered herein shall not cause or be deemed to cause:

1. A break of continued service in a furloughed employee's employment;
2. A decrease in the Employer's contribution to the Hawaii Employer-Union Health Benefits Trust Fund;
3. A change in the amount of vacation or sick leave earned by furloughed employees; or
4. A decrease in the furloughed employee's length of service for purposes of the employee's retirement and deferred compensation plans.

IT IS FURTHER ORDERED that this Executive Order is not intended to create, and does not create, any rights or benefits, whether substantive or procedural, or enforceable at law or in equity, against the State of Hawaii or its agencies, departments, entities, officers, employees, or any other person; and

IT IS FURTHER ORDERED that these provisions are subject to amendment by Executive Order.

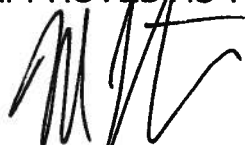
IT IS FURTHER ORDERED that Executive Order No. 09-04 is hereby rescinded effective as of November 1, 2009.

DONE at the State Capitol, Honolulu,  
State of Hawaii, this 22nd day of  
October, 2009.

  
LINDA LINGLE  
Governor of Hawaii



APPROVED AS TO FORM:

  
MARK J. BENNETT  
Attorney General